REMARKS

Claims 1-20 stand rejected under 35 USC 112, second paragraph as being indefinate. Specifically the issues raised by the Examiner address: claim 1 - " a pathway positioned...first member; claim 4 - radial v. rotating motion; claim 11 - "first channel...interference position (are there more than one channel). The claims have been amended to overcome the § 112 rejections.

Claims 1-5 and 7-12 stand rejected under 35 USC 102(b) as being anticipated by Habegger et al. (US 6,393,664). This rejection is respectfully TRAVERSED. The Examiner's engineering analysis of Habegger is respectfully TRAVERSED for the following reasons.

a) Habegger's ball does not move against the force of gravity. The ball is forced to follow the Habegger cam plate by the force constantly exerted by the compression spring. Gravity has no bearing. The Habegger hinge would work the same if it were upside down.

b) Habegger's ball does not interfere with the relative motion of the two Habegger hinge pieces to lockout their motion. The Habegger ball is a cam follower to the cam plate edge to provide a detent function when the spring forces the ball into the recess 44. This is not a lockout because any force which overcomes a detent action causes a movement. A lockout prohibits movement in spite of a force being applied. In an engineering environment, as known by those skilled in the art, these are two different and distinct functions.

c) The Examiner is not permitted to miss-characterize the Habegger reference to the point of contradicting the inventor as to what his invention is and what his patent disclosure shows and describes. Habegger expressly recites that his plate "E" carrying his surface 43 and his recession 44 is his cam member to define the surface which his ball "D" follows under the force of the spring "C".

d) Habegger expressly discloses the purpose and function of his spring as the member which keeps this ball in contact with the cam plate and forces the ball into the recession to hold

the freezer lid open with a detent function (Fig. 5B). It is contrary to the Habegger disclosure, the principals of mechanics, and the principals of physics for the Examiner to characterize the Habegger spring as a damper device. A spring is never used as a damper device. It is incapable of such function. A hydraulic shock absorber is a damper device.

The Examiner's rejection under 35 USC 102(b) based upon Habegger is without factual foundation with respect to the Habegger disclosure, and is without engineering foundation with respect to the Examiner's assumptions regarding principals of mechanics and of physics.

For the foregoing reasons, the standing 35 USC 102(b) rejection cannot be sustained and should now be withdrawn.

Applicant urges that the amendments to claims 1-20 presented herein above overcome the outstanding rejections and place the claims in condition for allowance. it is respectfully requested that the case be re-examined and passed to issue with the claims as now amended. Should the Examiner discover any lingering issue, applicant's attorney is available for a telephone interview and any needed Examiner's amendment.

Respectfully submitted,
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent Office, to **Examiner Mark A. Williams**, in **Art Unit 3676**, at **Fax number 703-872-9306**, on the date identified below.

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